IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.09.2006

CORAM

THE HON'BLE MR. JUSTICE P. JYOTHIMANI

W.P.Nos.36563 to 36572, 36587 to 36596 & 36764 to 36766/2006

R. Dharmalingam ... Petitioner in W.P.No.36563/2006
R. Selvakumar ... Petitioner in W.P.No.36564/2006
A. Jayaraj ... Petitioner in W.P.No.36565/2006
S. Ranganathan ... Petitioner in W.P.No.36566/2006
M. Shankar ... Petitioner in W.P.No.36567/2006
C. Thirumanidevadass ... Petitioner in W.P.No.36568/2006
N. Rajendran ... Petitioner in W.P.No.36569/2006
E. Chandrasekaran ... Petitioner in W.P.No.36570/2006
K. Balasubramanian ... Petitioner in W.P.No.36571/2006
B. Chandran ... Petitioner in W.P.No.36572/2006
L. Saravanan ... Petitioner in W.P.No.36587/2006
J. Anthony Jaison ... Petitioner in W.P.No.36588/2006
M. Muruganantham ... Petitioner in W.P.No.36589/2006
A. Mubarak ... Petitioner in W.P.No.36590/2006
R. Marimuthu ... Petitioner in W.P.No.36591/2006
M. Chandrasekaran ... Petitioner in W.P.No.36592/2006
B. Senthilkumar ... Petitioner in W.P.No.36593/2006
T. Krishnaraj ... Petitioner in W.P.No.36594/2006
V. Muthuraj ... Petitioner in W.P.No.36595/2006
V. Murugesh ... Petitioner in W.P.No.36596/2006
E. Pandiaraj ... Petitioner in W.P.No.36764/2006
C. Velusamy ... Petitioner in W.P.No.36765/2006
V. Manoharan ... Petitioner in W.P.No.36766/2006

-vs-

Tamilnadu State Transport Corporation Ltd.,
rep.by its Managing Director,
37, Mettupalayam Road,
Coimbatore. ...Respondent in WP.Nos.36563 to 36572, 36587 to 36596/06

Tamilnadu State Transport Corporation Ltd.,
rep.by its Managing Director,
Chennimalai Road, Erode ... Respondent in WP.36764 to 36766/06

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Prayer in W.P.No.36563/2006: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to re-employ the petitioner as conductor existing vacancies as per section 25-H of the I.D.Act and G.O.Ms.No.41, Transport (C1) Department, dated 13.07.2006.

For Petitioners in all WPs : Mr.D.Hariparanthaman

For Respondent in all Wps : Mr.A.Edwin Prabakar,GA

COMMON ORDER

The petitioners have joined in the respondent/Corporation as Conductors/Drivers on respective days and they were retrenched from services. This Court, in a judgment reported in 2006 (1) LLN Page 1, has directed that in such cases, wherein the petitioners who were retrenched from services, in case of fresh recruitment, should be given preference. Based on that, the Government has also passed G.O.Ms.No.41, Transport (C1) Department, dated 13.07.2006, directing the respective Corporations to give preference to the retrenched employees in the case of re-employment. The petitioners have also made representations on 22.8.06 (in W.P.Nos.36563 to 36572/06), 14.8.06, 14.08.06, 19.8.06, 22.8.06, 22.8.06, 22.8.06, 22.8.06, 22.8.06, 22.8.06, 22.8.06 (in W.P.Nos.36587 to 36596/06), 14.8.06, 23.8.06 and 14.8.06 (in W.P.Nos.36764 to 36766/06

2.In addition to that, the petitioners are also entitled for the benefits conferred under section 25-H of the I.D.Act. The Division Bench of this Court in W.A.Nos.1294 to 1297/97 by order dated 8.12.97 has held that in such cases, wherein the persons who have worked for more than 240 days, in case of re-employment, they should be given preference and in cases of persons, who have not completed 240 days, they must be permitted to complete 240 days and then they shall be considered for re-employment. This order will not be applicable if a person has not even worked for a single day and makes a bogus claim.

3.Following the same, the writ petitions are ordered directing the respondent/Corporation to consider the representations and pass orders in accordance with law.

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4.With the above observation, the writ petitions are ordered. No costs.

ap

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Managing Director,
Tamilnadu State Transport
Corporation Ltd.,
37, Mettupalayam Road, Coimbatore.

2. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Chennimalai Road, Erode.

+ 3 ccs to Mr. D. Hariparanthaman, Advocate in SR No. 46390, 46394, 46395

KSJ(CO)
SR/16.10.2006

W.P.Nos.36563 to 36572,
36587 to 36596 &
36764 to 36766/2006

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